

IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

In Re:)	
)	BANKR. NO. 19-22551-GLT
JOSHUA LUKE FROBE,)	
)	CHAPTER 13
Debtor.)	
_____)	
)	Related to Docs 109, 115, 116 & 129
RONDA J. WINNECOUR, Chapter 13)	
Trustee,)	
)	
Movant,)	
)	
vs.)	
)	
JOSHUA LUKE FROBE,)	
)	
Respondent.)	

CONSENT ORDER

WHEREAS, Trustee filed a Motion to Dismiss on June 20, 2024, Doc. No. 109, for a projected end of plan funding shortfall need to meet the plan goals;

WHEREAS, Debtor filed Amended Schedules B and C on August 15, 2024, Doc. No. 115, in which he disclosed a check from Wells Fargo for a mortgage accounting discrepancy in the amount of \$10,073.75 (the “Wells Fargo Check”), and which he claimed as exempt pursuant to §522(d)(5) in the amount of \$10,073.75;

WHEREAS, Trustee filed an Objection to Exemption on August 16, 2024, Doc. No. 116, to which the Debtor responded;

WHEREAS, Debtor has since paid in sufficient funds to complete the goals of his plan leaving only the objection to the amended exemption to be resolved; and

NOW THEREFORE, to avoid the costs and expenses of future litigation the parties, consisting of the Debtor and Trustee, agree as follows:

- (1) The plan, subject to and incorporating this Order, is deemed complete and Trustee will terminate the wage attachment as soon as practicable. All plan payments, other than the Wells Fargo Check shall be applied in accordance with the plan goals. Any amounts paid into the Plan as plan payments (other than the Wells Fargo Check) in excess of that needed to meet the plan goals shall be refunded to Debtor after the completion of Trustee’s final audit.

- (2) The Objection to the exemption shall be resolved as follows:
 - (A) The Objection shall be deemed sustained in the amount of \$8,510.64. This sum will be deemed additional plan funding (i.e., addition to the plan payments needed to meet the plan goals) and shall, after deduction of Trustee fees, be distributed to the timely filed prepetition general unsecured creditors so far as the funds will go.
 - (B) The difference between the amount of the Wells Fargo Check and the \$8,510.64 additional plan funding, which amount is \$1,563.11, shall be refunded to Debtor as being exempt under 11 U.S.C.A. §522(d)(5).
- (3) Debtor's Confirmed Amended Plan dated August 15, 2020, Doc. No. 65 shall be deemed amended to incorporate the provisions of this Order.
- (4) The hearings on Movant's Objection to Exemption and Motion to Dismiss referenced above scheduled for October 9, 2024, at 2:00 p.m. are cancelled as moot.

So ORDERED, this __ 1st Day of October, 2024



GREGORY A. TADDONIO
Chief Bankruptcy Judge

Consented to by:

/s/ Glenn R. Bartifay, Esquire
GLENN R BARTIFAY, ESQUIRE
Pa. Id. No. 68763
Attorney for Debtor/Respondent
BARTIFAY LAW OFFICES, P.C.
2009 Mackenzie Way, Suite 100
Cranberry Township, PA 16066
(412) 824-4011
gbartifay@bartifaylaw.com

/s/ Owen Katz
Counsel for the Chapter 13 Trustee

In re:
Joshua Luke Frobe
Debtor

Case No. 19-22551-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Oct 01, 2024

User: auto
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 03, 2024:

Recip ID	Recipient Name and Address
db	+ Joshua Luke Frobe, 2430 Trotter Dr., Allison Park, PA 15101-2936

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 03, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 1, 2024 at the address(es) listed below:

Name	Email Address
Denise Carlon	on behalf of Creditor Toyota Motor Credit Corporation dcarlon@kmlawgroup.com
Glenn R. Bartifay	on behalf of Debtor Joshua Luke Frobe gbartifay@bartifaylaw.com sfallat@bartifaylaw.com;gbartifay@yahoo.com
Glenn R. Bartifay	on behalf of Attorney Glenn R Bartifay gbartifay@bartifaylaw.com sfallat@bartifaylaw.com;gbartifay@yahoo.com
Jerome B. Blank	on behalf of Creditor Wells Fargo Bank N.A. jblank@pincuslaw.com, brausch@pincuslaw.com
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com btemple@bernsteinlaw.com;aepiscopo@bernsteinlaw.com;kebeck@ecf.courtdrive.com;agilbert@bernsteinlaw.com
Mario J. Hanyon	

District/off: 0315-2

User: auto

Page 2 of 2

Date Rcvd: Oct 01, 2024

Form ID: pdf900

Total Noticed: 1

on behalf of Creditor U.S. Bank Trust National Association Et al. wbecf@brockandscott.com mario.hanyon@brockandscott.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

Thomas Song

on behalf of Creditor Wells Fargo Bank N.A. pawb@fedphe.com

TOTAL: 9